

REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and following remarks are respectfully requested.

Currently, claims 1-24 remain pending in the present application, including independent claims 1, 11, 15 and 23. Claims 25-39 have been canceled as being drawn to a non-elected invention. Applicant hereby affirms the election of claims previously made.

In the Office Action, claims 11 and 23 were indicated as being allowable. In response, both claims have been written in independent format.

Claims 1 and 15 in the Office Action were rejected under 35 USC § 102 in view of Peterson (U.S. Patent No. 5,878,753) or in view of Hotaling (U.S. Patent No. 5,820,998). The Office Action states that the product of Peterson appears to be substantially the same as the product defined in the claims. Various elements in the claims that refer to solids content and viscosity were deemed to be process limitations and were not found to patentably distinguish the claims from the prior art. Reconsideration, however, is respectfully requested.

In particular, claims 1 and 15 both require that the film-forming material have a viscosity of less than about 500cP when present in a 3% by weight solution at 25°C. Please note that the above viscosity is not the viscosity of the film-forming composition applied to the paper wrapper but, instead, refers to the molecular weight of the film-forming material. For example, as stated on page three of the present application, the film-forming material has a relatively low viscosity which indicates a lower molecular weight.

The relatively low molecular weight film-forming material is believed to be a structural limitation in the claims that defines the claims over Peterson and Hotaling. Specifically, both Peterson and Hotaling fail disclose a treated area on a paper wrapper that comprises a low molecular weight film-forming material as defined in claims 1 and 15.

In fact, Hotaling appears to teach away from the present invention. In Hotaling, for instance, an alginate is disclosed that is commercially available under the trade name KELGIN MV. The alginate is stated to have a viscosity of about 6,000 centipoise

at 25°C, which is much higher than the viscosities defined in claims 1 and 15. Further, Hotaling states in column 6 that the solutions should contain low levels of solids, which is both economically and operationally desirable.

The other cited reference in the Office Action, Peterson, also fails to disclose treated discrete areas on a paper wrapper that contain a relatively low molecular weight film-forming material as defined in claims 1 and 15. As such, Peterson also fails to anticipate any of the presently pending claims.

In the Office Action, U.S. Patent No. 4,453,553 to Cohn was cited in combination with Peterson in rejecting claim 14 under 35 USC § 103. Since Cohn, however, fails to cure any of the above-noted deficiencies of the base references, it is believed that the claims also patentably define over this reference.

In summary, Applicant submits that the claims as presently amended are patentably distinct over the prior art of record and are in complete condition for allowance. Should any issues remain after consideration of this Response, however, then Examiner Walls is invited and encouraged to telephone the undersigned at her convenience.

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Date

Respectfully submitted,



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